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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 2003P00942WOUS
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ eFiled Signature _____ Typed or printed name _____	Application Number 10/581,652	Filed 02/16/2007
First Named Inventor Egbert Classen et al.		
Art Unit 1711	Examiner Jason Paul Riggleman	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record.
Registration number _____.
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 62,246

/Andre Pallapies/

Signature

Andre Pallapies

Typed or printed name

252-672-7927

Telephone number

December 9, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

<input type="checkbox"/>	*Total of _____ forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Statement of Arguments for Pre-Appeal Brief Request for Review

REMARKS

Claims 11-21 are pending in the application.

The Claimed Invention

The present invention discloses a dishwasher that allows washed dishes located in the washing container to be dried effectively and efficiently from an economic perspective so as to keep the energy consumption as low as possible in spite of a very good drying performance. The dishwasher includes a washing container 12, a device for washing items retained in the washing container using rinsing liquor, a medium-retaining container for retaining therein, a vaporisable medium or a sublimable medium, and a sorber with reversibly dehydratable material.

The heating of the air in the container, and especially in the sorber, is largely sufficient to adequately heat the rinsing liquor and/or the dishes. Thus, any further heating can be largely dispensed with and the energy used for desorption can be almost completely used for heating the rinsing liquor and/or the dishes apart from the small amount of energy required to overcome the binding forces between water and reversibly dehydratable material. Using the sorber features of the present invention, washed dishes can be effectively dried with a low heat content, e.g. plastic parts because no heating is required in the partial program step preceding the "dry" partial program. The rapid drying also allows severely reduced bacteria growth or even completely prevents bacteria growth which advantageously affects the hygiene conditions on the cleaned dishes.

The Nonstatutory Double Patenting Rejections

Claims 11-20 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-20 of co-pending application No. 10/581,238, over claims 9-15 of co-pending application No. 10/562,105, and over claims 10-18 of co-pending application No. 10/564,230. Since the claims in this application as well as each of the aforementioned applications are subject to amendment during prosecution, Applicants respectfully submit that this rejection be held in abeyance until allowance of claims in the present application.

The Rejections under 35 U.S.C. § 103(a)

Claims 11-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hesse (German Patent Publication No. DE3741652) in view of Tarplee et al. Applicants respectfully traverse this rejection.

The grounds of rejection acknowledge that Hesse does not teach the use of a sorber and a liquid to create a heat-pump in the cooling/heating duct of the air loop and relies on the disclosure of Tarplee et al., concluding that it would have been obvious to one of ordinary skill in the art the time of the invention to modify Hesse with Tarplee et al. to create a dishwashing machine with a closed-loop drying system which saves energy to achieve the expected result (citing Tarplee et al., at pg. 2, lines 23-25).

Further, in the Response to Arguments at page 2 of the Final Office Action, the grounds of rejection further state that in response to Applicants' arguments provided in the June 11, 2010 Amendment that the argument "is a mere allegation of patentability" ... and a "general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references."

Additionally, Applicants respectfully submit that Hesse discloses the use of a heat exchanger within a dishwasher for reducing moisture in air in a closed system after the dishes have been washed, and the cleaning water drained. This use for reducing moisture and time after the dishes have been washed teaches away from the assessment in the Advisory Action. Applicants respectfully submit that there is no disclosure, nor would the Hesse heat exchanger be applied to heating rinsing liquid with the *thermal energy used for desorbing the claimed sorber* as claimed. As such, there is no motivation to modify Hesse with the features of Tarplee et al. Notwithstanding the lack of motivation, neither Hesse nor Tarplee et al. are designed for or suggest this claimed feature.

Applicants respectfully submit that this feature is recited in, for example, claim 1 as “a sorber with reversibly dehydratable material, the sorber and the medium retaining container being communicated with one another such that gas exchange takes place therebetween, the reversibly dehydratable material acting to absorb vapor that has flowed from the medium-retaining container into the sorber, whereupon the reversibly dehydratable material transforms from a dehydrated state into a hydrated state and the reversibly dehydratable material being restorable from a hydrated state into a dehydrated state by the application of thermal energy to the reversibly dehydratable material, the sorber being operable, on the one hand, to directly dry items retained in the washing container and being operable, on the other hand, to provide the thermal energy used for desorbing the sorber such that at least one of the rinsing liquor and the items located in the washing container are heated thereby.” Accordingly, Applicants respectfully submit that claims 11-21 are allowable over the combination of Hesse and Tarplee et al.

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CONCLUSION

In view of the above, allowance of claims 11-21 is respectfully requested. If there are any questions regarding the remarks herein, kindly contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.